

119TH CONGRESS
2D SESSION

S. _____

To prevent the distribution of intimate visual depictions without consent.

IN THE SENATE OF THE UNITED STATES

Mr. LEE introduced the following bill; which was read twice and referred to
the Committee on _____

A BILL

To prevent the distribution of intimate visual depictions
without consent.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Rampant
5 Online Technological Exploitation and Criminal Traf-
6 ficking Act of 2026” or the “PROTECT Act of 2026”.

7 **SEC. 2. REGULATING THE UPLOADING OF PORNOGRAPHIC**
8 **IMAGES TO ONLINE PLATFORMS.**

9 (a) AMENDMENT TO TITLE 18, UNITED STATES
10 CODE.—

1 (1) IN GENERAL.—Chapter 110 of title 18,
2 United States Code, is amended by inserting after
3 section 2257A the following:

4 **“§ 2257B. Uploading pornographic images to online**
5 **platforms**

6 “(a) DEFINITIONS.—In this section:

7 “(1) CONSENT.—The term ‘consent’ has the
8 meaning given the term in section 223(h) of the
9 Communications Act of 1934 (47 U.S.C. 223(h)).

10 “(2) COVERED PLATFORM.—

11 “(A) IN GENERAL.—The term ‘covered
12 platform’ means a website, online service, online
13 application, or mobile application—

14 “(i) that serves the public; and

15 “(ii)(I) that primarily provides a
16 forum for user-generated content, includ-
17 ing messages, videos, images, games, and
18 audio files; or

19 “(II) for which it is in the regular
20 course of trade or business of the website,
21 online service, online application, or mobile
22 application to publish, curate, host, or
23 make available intimate visual depictions.

24 “(B) EXCLUSIONS.—The term ‘covered
25 platform’ does not include—

1 “(i) broadband internet access service,
2 as described in section 8.1(b) of title 47,
3 Code of Federal Regulations, or any suc-
4 cessor regulation;

5 “(ii) electronic mail; or

6 “(iii) except as provided in subpara-
7 graph (A)(ii)(II), a website, online service,
8 or application—

9 “(I) that consists primarily of
10 content that is not user-generated and
11 is preselected by the provider of the
12 website, online service, or application;
13 and

14 “(II) for which any chat, com-
15 ment, or interactive functionality is
16 incidental to, directly related to, or
17 dependent on the provision of the con-
18 tent described in subclause (I).

19 “(3) INTIMATE VISUAL DEPICTION.—The term
20 ‘intimate visual depiction’ means any visual depic-
21 tion—

22 “(A) of an individual who is reasonably
23 identifiable from the visual depiction itself or
24 information displayed in connection with the
25 visual depiction, including through—

1 “(i) facial recognition;

2 “(ii) an identifying marking on the in-
3 dividual, including a birthmark or piercing;

4 “(iii) an identifying feature of the
5 background of the visual depiction;

6 “(iv) voice matching; or

7 “(v) written confirmation from an in-
8 dividual who is responsible, in whole or in
9 part, for the creation or development of the
10 visual depiction; and

11 “(B) in which—

12 “(i) the individual depicted is engag-
13 ing in sexually explicit conduct; or

14 “(ii) the naked genitals, anus, pubic
15 area, or post-pubescent female nipple of
16 the individual depicted are visible.

17 “(4) PORNOGRAPHIC IMAGE.—The term ‘porno-
18 graphic image’ means—

19 “(A) any visual depiction of actual or
20 feigned sexually explicit conduct; or

21 “(B) any intimate visual depiction.

22 “(5) USER.—

23 “(A) IN GENERAL.—The term ‘user’
24 means an individual who is an information con-
25 tent provider, as defined in section 230(f) of

1 the Communications Act of 1934 (47 U.S.C.
2 230(f)).

3 “(B) CLARIFICATION.—For purposes of
4 subparagraph (A), the term ‘information’ within
5 the definition of the term ‘information content
6 provider’ in section 230(f) of the Communica-
7 tions Act of 1934 (47 U.S.C. 230(f)) shall be
8 construed to include pornographic images.

9 “(b) VERIFICATION OBLIGATIONS OF COVERED
10 PLATFORM PROVIDERS.—

11 “(1) VERIFICATION OF USERS.—

12 “(A) IN GENERAL.—A provider of a cov-
13 ered platform may not upload or allow a user
14 to upload a pornographic image to the covered
15 platform unless the provider has verified, in ac-
16 cordance with subparagraph (B)—

17 “(i) the identity of the user; and

18 “(ii) that the user is not less than 18
19 years old.

20 “(B) MEANS OF COMPLIANCE.—In car-
21 rying out subparagraph (A), a provider of a
22 covered platform shall verify the identity and
23 age of a user by—

1 “(i) requiring use of an adult access
2 code or adult personal identification num-
3 ber;

4 “(ii) accepting a digital certificate
5 that verifies age; or

6 “(iii) using any other reasonable
7 measure of age verification that the Attor-
8 ney General has determined to be feasible
9 with available technology.

10 “(C) INSUFFICIENT USER CONFIRMA-
11 TION.—Merely requiring a user to confirm that
12 the user is not less than 18 years of age, with-
13 out independent means of verification, shall not
14 satisfy the requirement under subparagraph
15 (A).

16 “(2) VERIFICATION OF PARTICIPANTS.—

17 “(A) IN GENERAL.—A provider of a cov-
18 ered platform may not upload or allow a user
19 to upload a pornographic image to the covered
20 platform unless the provider has verified, in ac-
21 cordance with subparagraph (B), that each in-
22 dividual appearing in the pornographic image—

23 “(i) was not less than 18 years of age
24 when the pornographic image was created;

1 “(ii) has provided explicit written evi-
2 dence of consent for each sex act in which
3 the individual engaged during the creation
4 of the pornographic image; and

5 “(iii) has provided explicit written
6 consent for the distribution of the specific
7 pornographic image.

8 “(B) SEPARATE CONSENT FOR SEX ACT
9 AND FOR DISTRIBUTION OF IMAGE.—

10 “(i) CONSENT FOR SEX ACT.—Con-
11 sent described in clause (ii) of subpara-
12 graph (A) does not imply or constitute evi-
13 dence of consent described in clause (iii) of
14 that subparagraph.

15 “(ii) CONSENT FOR DISTRIBUTION OF
16 IMAGE.—Consent described in clause (iii)
17 of subparagraph (A) does not imply or
18 constitute evidence of consent described in
19 clause (ii) of that subparagraph.

20 “(C) MEANS OF COMPLIANCE.—In car-
21 rying out subparagraph (A), a provider of a
22 covered platform shall obtain, either from the
23 user seeking to upload the pornographic image
24 or through other means—

1 “(i) a consent form created or ap-
2 proved by the Attorney General under sub-
3 paragraph (D) from each individual ap-
4 pearing in the pornographic image that in-
5 cludes—

6 “(I) the name, date of birth, and
7 signature of the individual;

8 “(II) a statement that the indi-
9 vidual is not less than 18 years of
10 age, unless no reasonable person could
11 conclude that the individual is less
12 than 30 years of age;

13 “(III) a statement that the con-
14 sent is for distribution of the specific
15 pornographic image;

16 “(IV) the geographic area and
17 medium, meaning online, print, or
18 other distribution method, for which
19 the individual provides consent to dis-
20 tribution of the pornographic image;

21 “(V) the duration of time for
22 which the individual provides consent
23 to distribution of the pornographic
24 image;

1 “(VI) a list of the specific sex
2 acts that the person agrees to engage
3 in for the pornographic image; and

4 “(VII) a statement that explains
5 coerced consent and that the indi-
6 vidual has the right to withdraw the
7 individual’s consent at any time; and

8 “(ii) not less than 1 form of valid
9 identification for each individual appearing
10 in the pornographic image—

11 “(I) that—

12 “(aa) was issued by an
13 agency of the Federal Govern-
14 ment or of a State, local, or for-
15 eign government; and

16 “(bb) contains the name,
17 date of birth, signature, and pho-
18 tograph of the individual; and

19 “(II) on which the name, date of
20 birth, and signature of the individual
21 match the name, date of birth, and
22 signature of the individual on the con-
23 sent form required under clause (i).

24 “(D) CREATION AND APPROVAL OF CON-
25 SENT FORMS BY ATTORNEY GENERAL.—

1 “(i) ATTORNEY GENERAL CONSENT
2 FORM.—

3 “(I) IN GENERAL.—Not later
4 than 60 days after the date of enact-
5 ment of the Preventing Rampant On-
6 line Technological Exploitation and
7 Criminal Trafficking Act of 2026, the
8 Attorney General shall create and
9 make available to the public a consent
10 form for purposes of subparagraph
11 (C)(i).

12 “(II) AVAILABILITY.—On and
13 after the date that is 90 days after
14 the date of enactment of the Pre-
15 venting Rampant Online Techno-
16 logical Exploitation and Criminal
17 Trafficking Act of 2026, a provider of
18 a covered platform shall make the
19 consent form created under subclause
20 (I) available to users in both written
21 and electronic format.

22 “(ii) APPROVAL OF ALTERNATIVE
23 CONSENT FORMS.—For purposes of sub-
24 paragraph (C)(i), a user may submit to a
25 covered platform an alternative consent

1 form created by a user or the provider of
2 the covered platform if the alternative con-
3 sent form has been approved by the Attor-
4 ney General.

5 “(3) EFFECTIVE DATE; APPLICABILITY.—This
6 subsection shall—

7 “(A) take effect on the date that is 90
8 days after the date of enactment of the Pre-
9 venting Rampant Online Technological Exploi-
10 tation and Criminal Trafficking Act of 2026;
11 and

12 “(B) apply to any pornographic image
13 uploaded to a covered platform before, on, or
14 after that effective date.

15 “(4) RULES OF CONSTRUCTION.—

16 “(A) OBLIGATIONS AND CRIMINAL LIABIL-
17 ITY UNDER OTHER LAWS.—Nothing in this sub-
18 section shall be construed to—

19 “(i) affect any obligation of a provider
20 of a covered platform under any other pro-
21 vision of Federal or State law; or

22 “(ii) impact or otherwise limit the
23 criminal liability of a user or other indi-
24 vidual under a Federal or State obscenity
25 law.

1 “(B) FIRST AMENDMENT-PROTECTED
2 SPEECH.—Nothing in this subsection shall be
3 construed to prohibit or impose a prior re-
4 straint on speech that is protected by the First
5 Amendment to the Constitution of the United
6 States.

7 “(c) OBLIGATIONS OF USERS.—

8 “(1) CONSENT REQUIREMENT.—A user of a
9 covered platform may not upload a pornographic
10 image of an individual to the covered platform with-
11 out the consent of the individual.

12 “(2) DETERMINATION OF CONSENT.—For pur-
13 poses of paragraph (1), whether an individual has
14 provided consent to the uploading of an image shall
15 be determined in accordance with this section and
16 applicable State law.

17 “(d) CIVIL ENFORCEMENT.—

18 “(1) VERIFICATION OBLIGATIONS OF PRO-
19 VIDERS OF COVERED PLATFORMS.—

20 “(A) CIVIL PENALTY FOR FAILURE TO
21 VERIFY USERS.—

22 “(i) IN GENERAL.—The Attorney
23 General may impose a civil penalty on any
24 provider of a covered platform that violates
25 subsection (b)(1) in an amount of not

1 more than \$10,000 for each day during
2 which a pornographic image remains on
3 the covered platform in violation of that
4 subsection, beginning 24 hours after the
5 Attorney General provides notice of the
6 violation to the provider.

7 “(ii) PER-DAY AND PER-IMAGE
8 BASIS.—A civil penalty under clause (i)
9 shall accrue on a per-day and per-image
10 basis.

11 “(iii) USE OF PROCEEDS.—Notwith-
12 standing section 3302 of title 31, the At-
13 torney General may use the proceeds from
14 a civil penalty collected under clause (i) of
15 this subparagraph to carry out enforce-
16 ment under this subparagraph.

17 “(B) CIVIL LIABILITY FOR FAILURE TO
18 VERIFY PARTICIPANTS.—If a provider of a cov-
19 ered platform violates subsection (b)(2) with re-
20 spect to a pornographic image, any person ag-
21 grieved by the violation may bring a civil action
22 against the provider in an appropriate district
23 court of the United States for damages in an
24 amount equal to the greater of—

1 “(i) \$10,000 for each day during
2 which a pornographic image remains on
3 the covered platform in violation of that
4 subsection, calculated on a per-day and
5 per-image basis; or

6 “(ii) actual damages.

7 “(2) CIVIL LIABILITY FOR VIOLATION OF USER
8 OBLIGATIONS.—If a user of a covered platform vio-
9 lates subsection (c) with respect to a pornographic
10 image, any person aggrieved by the violation may
11 bring a civil action against the user in an appro-
12 priate district court of the United States for dam-
13 ages in an amount equal to the greater of—

14 “(A) \$10,000 for each day during which
15 the pornographic image remains on the covered
16 platform in violation of that subsection, cal-
17 culated on a per-day and per-image basis; or

18 “(B) actual damages.

19 “(3) RELATION TO COMMUNICATIONS DECENCY
20 ACT.—Nothing in this subsection shall be construed
21 to affect section 230 of the Communications Act of
22 1934 (47 U.S.C. 230).

23 “(e) CRIMINAL PENALTIES.—

24 “(1) INITIAL VIOLATION.—Any person who vio-
25 lates this section shall be imprisoned for not more

1 than 5 years, fined in accordance with this title, or
2 both.

3 “(2) SUBSEQUENT VIOLATIONS.—Any person
4 who violates this section after having been convicted
5 of a violation punishable under this section shall be
6 imprisoned for not less than 2 years and not more
7 than 10 years, fined in accordance with this title, or
8 both.”.

9 (2) TECHNICAL AND CONFORMING AMEND-
10 MENT.—The table of sections for chapter 110 of
11 title 18, United States Code, is amended by insert-
12 ing after the item relating to section 2257A the fol-
13 lowing:

“2257B. Uploading pornographic images to online platforms.”.

14 (b) BLOCKING REUPLOADS.—Section 3(a)(3)(B) of
15 the TAKE IT DOWN Act (47 U.S.C. 223a(a)(3)(B)) is
16 amended by striking “and remove” and inserting “, re-
17 move, and prevent the reupload of”.

18 **SEC. 3. SEVERABILITY.**

19 If any provision of this Act or amendment made by
20 this Act, or the application of such a provision or amend-
21 ment to any person or circumstance, is held to be uncon-
22 stitutional, the remaining provisions of this Act and
23 amendments made by this Act, and the application of the
24 provision or amendment to any other person or cir-
25 cumstance, shall not be affected thereby.